



1 Filed Electronically _____
2

3 Entered on Docket
4 December 31, 2009
5

6
7
8
9
10 Hon. Bruce A. Markell
11 United States Bankruptcy Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

10 WILDE & ASSOCIATES

11 Gregory L. Wilde, Esq.
12 Nevada Bar No. 004417
13 208 South Jones Boulevard
14 Las Vegas, Nevada 89107
15 Telephone: 702 258-8200
16 Fax: 702 258-8787
17 bk@wildelaw.com
18 and

19 MARK S. BOSCO, ESQ.
20 Arizona Bar No. 010167
21 TIFFANY & BOSCO, P.A.
22 2525 East Camelback Road, Suite 300
23 Phoenix, Arizona 85016
24 Telephone: (602) 255-6000
25 Wells Fargo Bank, N.A.
26 09-70628 / 0138424692

27 UNITED STATES BANKRUPTCY COURT
28 SOUHERN DISTRICT OF NEVADA

29 In Re:

30 Annie Phillips

31 Debtors.

32 09-15389-bam

33 Motion no.
34 Date:
35 Time:

36 Chapter 13

ORDER VACATING AUTOMATIC STAY

Pursuant to the Declaration re Breach of Condition filed on November 13, 2009 and Debtors failure to cure the default prior to its expiration, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to Secured Creditor, Wells Fargo Bank, N.A. its assignees and/or successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally described as 9188 Mangostone Lane , Las Vegas NV and legally described as follows:

LOT 33 IN BLOCK C OF BARCELONA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 73 OF PLATS, PAGE 12 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA AND AMENDED BY THAT CERTIFICATE OF AMENDMENT RECORDED JULY 12, 1996 AS INSTRUMENT/FILE NO. 01763 IN BOOK 960712 OFFICIAL RECORDS.

pursuant to applicable State Laws, and thereafter commence any action necessary to obtain complete possession of the subject property.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

IT IS FURTHER ORDERED that in the event a Notice of Default was recorded against this particular property prior to July 1, 2009, the Debtor(s) can promptly submit a copy of this Order to the State of Nevada, Foreclosure Mediation Program and the Order will be construed as an agreement between the Secured Creditor and Debtor(s) that they have voluntarily agreed to a mediation under the

1 Nevada State Foreclosure Mediation Program pursuant to Rule 6 of said program. The necessary
2 information can be accessed at "http://www.nevadajudiciary.us/".

3
4 DATED this 29th day of December, 2009.
5
6

Submitted by:
Wilde & Associates

8 By /S/GREGORY L. WILDE
9 **GREGORY L. WILDE, ESQ.**
10 Attorney for Secured Creditor
11 208 South Jones Boulevard
Las Vegas, Nevada 89107
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 The court waived the requirements of LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 approved the form of this order disapproved the form of this order

10 waived the right to review the order and/or failed to respond to the document

11 appeared at the hearing, waived the right to review the order

12 matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 approved the form of this order disapproved the form of this order

15 waived the right to review the order and/or failed to respond to the document

16 Other Party: _____

17 approved the form of this order disapproved the form of this order

18 waived the right to review the order and/or failed to respond to the document

19 Breach Order:

20 This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.
26 Gregory L. Wilde, Esq.
Attorney for Secured Creditor